(45)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1639 of 2007

Petitioner	:	Smt. Chamarin Bai Wife of Shri Anjor Singh, aged about 60 years, Resident of Jevragaon, Post Araud (Lilar), Tahsil and District Dhamtari (C.G.)
	Versus	
Respondents	:	1. State of Chhattisgarh, Through : The Secretary, Water Resources Department, D.K.S. Bhawan, Raipur (C.G.),
		2. The Executive Engineer, Water Management Division Rudri, Tahsil and District Dhamtari (C.G.)
		3. The Sub Divisional Officer, Mahanadi Jalashaya Pariyojna, Sub Division No. 1 Gangrel, Tahsil and District Dhamtari (C.G.)

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. P.P. Sahu, Advocate for the petitioner.
Mr. Arvind Dubey, Panel Lawyer for the State/respondents.

O R D E R

(Passed on this 19th Day of March, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed on 10.01.1979 as permanent Gangman and the petitioner, who has worked for more than 15 years as Gangman. He seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

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2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

6. Consequently, I.A. No. 01, application for stay/interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Subhash